

**Shook,
Hardy &
Bacon, LLP.**
www.shb.com

TO
MAIL STOP PETITION
COMMISSIONER FOR PATENTS
UNITED STATES PATENT OFFICE

PHONE

FAX

(703) 872-9306

William P. Jensen

JPMorgan Chase Tower
600 Travis Street, Suite 1600
Houston

FROM
WILLIAM P. JENSEN

IT #
2077

MATTER #
SHEL.105812

Texas 77002-2911

713.227.8008

713.227.9508 Fax

wjensen@shb.com

5 Pages Transmitted

Original Document Will Not Follow

If you experience any problems, please call 713.227.8008 extension 65061.

DATE
MAY 5, 2004

RECEIVED
CENTRAL FAX CENTER

MAY 05 2004

COMMENTS:

TO FOLLOW IS A PETITION TO REINSTATE PRIORITY DATE AND
CORRECT FILING RECEIPT ON U.S. APPLICATION NO. 10/730,235 FILED
DECEMBER 8, 2004.

PLEASE FORWARD TO THE APPROPRIATE PARTY.

OFFICIAL
fax

Confidentiality Notice: The documents accompanying this telecopy transmission contain confidential information belonging to the sender which is legally privileged. The information is intended only for the use of the individual(s) or entity(ies) named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited. If you have received this telecopy in error, please immediately notify us by telephone to arrange for return of the original documents to us.

Geneva
Houston
Kansas City
London
Miami
New Orleans
Orange County
Overland Park
San Francisco
Tampa
Washington, D.C.

RECEIVED
CENTRAL FAX CENTERMAY 05 2004
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): ZHIYI ZHANG,
BRUNO BEST AND
GILBERTO TOFFOLOSERIAL
NUMBER: 10/730,235

FILING DATE: DECEMBER 8, 2003

FOR: COMBINED TELEMETRY
SYSTEM AND METHOD§ ATTORNEY
§ DOCKET NUMBER: SHEL.105812/TH2389§
§
§
§
§ ART UNIT:§
§
§ EXAMINER:
§

OFFICIAL

Mail Stop Petition
Commissioner of Patents
P. O. Box 1450
Alexandria, VA 22313-1450PETITION TO REINSTATE PRIORITY DATE
AND CORRECT FILING RECEIPT

Dear Sir:

On December 8, 2003, Applicants filed the above-referenced patent application with the United States Patent and Trademark Office. The transmittal papers accompanying this application claimed priority to U.S. Provisional Application No. 60/431,360, which was filed December 6, 2002. Applicants timely submitted a Preliminary Amendment on March 8, 2004, amending the specification to specifically include the priority claim.

On April 1, 2004, Applicants requested that the filing receipt be corrected to show the correct filing date of December 8, 2003. On May 4, 2004, Applicants received a corrected filing receipt with the correct filing date and the enclosed Response to Request for Corrected Filing Receipt. The Response rejected the Applicants' priority claim, stating that the priority application was filed over a year prior to the filing date of the present application.

Application Number: 10/730,235
Attorney Docket No.: SHEL.105812/TH2389

Because the one-year deadline for filing a non-provisional application claiming priority to Provisional Application No. 60/431,360 fell on December 6, 2004, which was a Saturday, Applicants had until Monday, December 8, 2003 to file the present application and claim priority from the provisional application. 37 C.F.R. § 1.7(b).

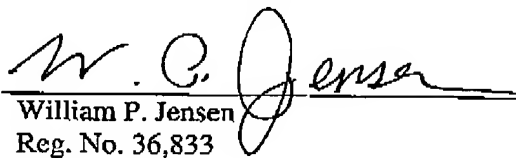
Applicants respectfully submit that the present application has been erroneously denied the priority date of Provisional Application No. 60/431,360. Applicants therefore, request that the present application be given the priority date of December 6, 2002, and that a corrected filing receipt be issued reflecting this correction.

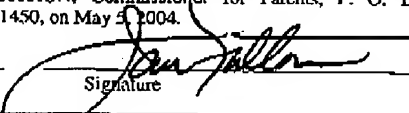
Although Applicants do not believe a fee should be required for this Petition as this error was the fault of the Patent Office, the Commissioner is hereby authorized to charge the petition fee of \$130.00, and any additional amount required, or credit any overpayment, to Deposit Account No. 19-2112.

Date: May 5, 2004

SHOOK, HARDY & BACON L.L.P.
600 Travis Street, Suite 1600
Houston, Texas 77002-2911
Tel. (713) 227-8008
Fax: (713) 227-9508
wjensen@shb.com

Respectfully submitted,


William P. Jensen
Reg. No. 36,833

CERTIFICATE OF FACSIMILE TRANSMISSION	
I hereby certify that this correspondence is being transmitted via facsimile to the United States Patent and Trademark Office, fax number (703) 872-9306, addressed to: MAIL STOP PETITION, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on May 5, 2004.	
Date 5-5-04	Signature 



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

Page 1 of 2
RECEIVED
 5-4-04
 SHOOK HARDY & BACON

APPLICATION NUMBER	FILING OR 371(e) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/730,235	12/08/2003	Zhiyi Zhang	SHEL.105812/TH2389

CONFIRMATION NO. 2517

30903
 SHOOK, HARDY & BACON L.L.P.
 CHASE TOWER, SUITE 1600
 600 TRAVIS STREET
 HOUSTON, TX 77002-2911



OC000000012470968

Date Mailed: 04/28/2004

RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT

Domestic Continuity and Foreign Priority

In response to your request for a corrected Filing Receipt, the Office is unable to comply with the request because:

- ☐ The priority or continuity claim has not been entered because it was not filed during the required time period. Applicant may wish to consider filing a petition to accept an unintentionally delayed claim for priority. See 37 CFR 1.55 or 1.78.
- ☐ Continuity claimed under 35 U.S.C. § 120 cannot be added to the Filing Receipt without the applicant supplying the relationship (continuation, divisional, or continuation-in-part) in an Application Data Sheet or amendment to the first page of the specification.
- ☐ A claim for priority cannot be made based on an application filed after the application making the claim.
- ☐ Domestic benefit and foreign priority claims will not be captured in a provisional application. A provisional application is not entitled to a right of priority or to the benefit of an earlier filing date of any other application. See 35 U.S.C. § 111(b)(7) and 37 CFR 1.53(c)(4).
- ☐ A domestic continuity claim cannot be made to a foreign application and the filing receipt will only list the foreign country, application number, and filing date.
- ☐ Foreign priority will appear on the Filing Receipt in the following order: **Country, Application number, Filing date.**
- ☐ This application is the result of a conversion from a provisional application. Priority based on such application cannot be made since it no longer exists as a provisional application.

- ☒ The application(s) to which priority is claimed were filed over a year prior to the filing date of this application. Therefore, the referenced application(s) cannot be claimed as domestic or foreign priority.
- ☐ To change the benefit claim of a U.S. prior-filed application, applicant must amend the first sentence of the specification (if the benefit claim is referenced in the specification), or provide a supplemental application data sheet (ADS) (if the benefit claim was submitted in an ADS), with the desired benefit claim. Note that once a benefit claim is deleted, applicant will not be able to claim such prior-filed application again, if the above-identified application was filed on or after November 29, 2000.
- ☐ To change a foreign priority claim, applicant must submit a supplemental oath or declaration (if the priority claim is referenced in the oath or declaration), or a supplemental application data sheet (ADS) (if the priority claim was submitted in an ADS), with the desired priority claim. If a supplemental ADS is submitted, any deletions should be shown with strikeouts. Note that once a priority claim is deleted, applicant will not be able to claim such foreign application again, if the above-identified application was filed on or after November 29, 2000.


Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY